



September 30, 2021

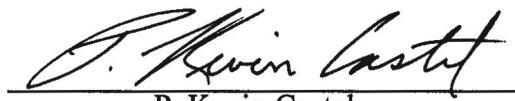
Via ECF

Hon. P. Kevin Castel, U.S.D.J.
United States Courthouse, Courtroom 11D
500 Pearl Street
New York, New York 10007

Re: Struna v. Leonardi et al.
Case No.: 1:21-cv-06040-PKC

Application GRANTED.

SO ORDERED.
Dated: 10/01/2021



P. Kevin Castel
United States District Judge

Dear Judge Castel:

As the Court is aware, this law firm is co-counsel for Plaintiff William Struna (“Plaintiff”). In its Order entered on July 22, 2021 (ECF No. 25), the Court directed the parties’ counsel to submit a joint letter five (5) business days prior to the Initial Pretrial Conference and to confer on a Case Management Plan. However, as set forth below, Plaintiff has not yet perfected service. For this reason, we respectfully request that the Court adjourn the Initial Pretrial Conference scheduled for October 12, 2021 at 3:15 p.m. In addition, pursuant to 3(A) of the Court’s Individual Practices, please accept the following as Plaintiff’s Pre-Motion letter to extend by one hundred and twenty (120) days the deadline for Plaintiff to serve defendants.

The defendants in this case are Italian citizens and reside in Italy. Accordingly, pursuant to Fed. R. Civ. P. 4(f), they must be served by an internationally agreed means of service that is reasonably calculated to give notice, such as that authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

Despite Plaintiff’s best efforts, service has not yet been effected. This action was filed on July 14, 2021 and summonses were issued on July 22, 2021 (ECF No. 22-24).¹ Plaintiff retained

¹ Plaintiff filed the Complaint with this Court on July 14, 2021. On July 15, the Court *sua sponte* issued an order (ECF No. 11) holding that Plaintiff had “fail[ed] to adequately allege the citizenship of either party and directing him to “amend the Complaint ...” The following day, an

Hon. P. Kevin Castel, U.S.D.J.

September 30, 2021

Page 2

legal counsel (Avv. Alessandro Lattanzi) in Italy to expedite delivery of the Summons and Complaint (duly accompanied by a translation certified by the Italian Consulate) to the Court Appeals in Rome, which is the designated central authority for service of process pursuant to the Hague Convention. As reflected in the attached certified receipt, the Court Appeals received these documents on August 3, 2021.

On September 9 and September 20, 2021, Mr. Lattanzi inquired via email about the status of the service of process with the Court Appeals in Rome. To date, however, neither he nor the undersigned has received any information. We understand that, once service is complete, the Court Appeals will reply by returning to the applicant an affidavit of service. However, we have not yet received any affidavit or other communication.

In addition, on the same day that the Court entered its Order scheduling the Initial Pretrial Conference, I forwarded a copy of the same, along with the Second Amended Complaint, to an Italian attorney, Avv. Nicola Canestrini, who had previously stated that he represented Defendant Anna Maria Zoni (Leonardi) (“Defendant Zoni”). However, in response, Mr. Canestrini stated that he did not represent Defendant Zoni in this action. He also refused to provide the email address for Defendant Zoni or the other two defendants, Antonio Leonardi and Alessandra Leonardi. Although I requested that Mr. Canestrini forward the Court’s Order to Defendant Zoni, he provided no response. In compliance with your honor’s request, Plaintiff’s Italian counsel, Mr. Lattanzi, mailed a copy of the Court’s Order scheduling the Initial Pretrial Conference to each of the defendants, by Italian certified mail. In so doing, he utilized the addresses on record at the respective city hall where each defendant resides. We understand that all defendants allowed the mailing to be returned to sender.

In light of the above, we respectfully request that the Court adjourn the Initial Pretrial Conference for sixty (60) days. This is Plaintiff’s first request for an adjournment.

In addition, pursuant to 3(A) of the Court’s Individual Practices, we seek the Court’s permission to file a motion to extend by 120 days the deadline for Plaintiff to serve defendants and to serve defendants by alternative methods pursuant to Fed. R. Civ. P. 4(f)(3).²

Amended Complaint was filed (ECF No. 13). Thereafter, on July 21, 2021, the Court granted Plaintiff leave to file to amend his pleading correct a Defendant’s misspelled name (ECF No. 16). That same day, Plaintiff filed the Second Amended Complaint (ECF No. 17).

² It should be noted that, although Fed. R. Civ. P. 4(m) generally requires the plaintiff to effect service within 90 days after the complaint is filed, this “does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1).”

Hon. P. Kevin Castel, U.S.D.J.

September 30, 2021

Page 3

We thank the Court for its courtesies in considering the foregoing.

Respectfully submitted,

/s/ Andrew M. Moskowitz

Andrew M. Moskowitz

Encl.



Si certifica che in data 3/08/2021 l'Avvocato Alessandro Lattanzi del foro di Roma ha consegnato alla Sezione Atti esteri dell'Uep presso la Corte di Appello di Roma un atto proveniente dagli Stati Uniti d'America ai sensi dell'art. 10 lett. b della Convenzione de l'Aja del 15/11/1965 da parte del richiedente estero Signor Andrew Moskowitz, Esq., Javerbaum Wurgafit in New York/U.S.A.

L'atto deve essere notificato a:

- Antonio Leonardi in Angelo Poliziano n. 76 – 00186 Roma
- Anna Maria Zoni (Leonardi) in via alla Val n. 25 – 38123 Trento
- Alessanndro Leonardi in Dello Spalto n. 12 – 40139 Bologna

Roma, 3/08/2021

Barbara FERRERI
Assistente Giudiziario
CORTE DI APPELLO DI ROMA

UFFICIO UNICO DEGLI UFFICIALI GIUDIZIARI
Viale Giulio Cesare, 52
00192 Roma - Italia

